

AMENDED IN SENATE APRIL 19, 2005

AMENDED IN SENATE MARCH 29, 2005

SENATE BILL

No. 299

Introduced by Senator Chesbro
(Principal coauthor: Assembly Member Emmerson)

February 16, 2005

An act to amend Section 1635.5 of the Business and Professions Code, relating to dentistry.

LEGISLATIVE COUNSEL'S DIGEST

SB 299, as amended, Chesbro. Dentistry.

Existing law, the Dental Practice Act, provides for the licensure and regulation by the Dental Board of California of those engaged in the practice of dentistry. Existing law requires an applicant for licensure to take an examination before the board and meet certain other requirements.

Existing law requires an applicant to provide proof of that he or she has either been in active clinical practice or a full-time faculty member in an accredited dental education program and in active clinical practice; for at least 5,000 hours in 5 of the 7 years preceding his or her application. Existing law authorizes an applicant that proves at least 2 years of clinical practice or credit to complete the remainder of the requirement by filing a copy of a contract to practice dentistry full time for 2 years in a clinic meeting specified requirements or in an accredited dental education program.

This bill would provide that the entire 5-year clinical practice requirement is met by filing a copy of a contract to practice dentistry full time for 2 years in a qualifying clinic.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 1635.5 of the Business and Professions Code is amended to read:

1635.5. (a) Notwithstanding Section 1634, the board may grant a license to practice dentistry to an applicant who has not taken an examination before the board, if the applicant submits all of the following to the board:

(1) A completed application form and all fees required by the board.

(2) Proof of a current license issued by another state to practice dentistry that is not revoked or suspended or otherwise restricted.

(3) Proof that the applicant has either been in active clinical practice or has been a full-time faculty member in an accredited dental education program and in active clinical practice for a total of at least 5,000 hours in five of the seven consecutive years immediately preceding the date of his or her application under this section. The clinical practice requirement shall be deemed met if documentation of any of the following is submitted:

(A) The applicant may receive credit for two of the five years of clinical practice by demonstrating completion of a residency training program accredited by the American Dental Association Commission on Dental Accreditation, including, but not limited to, a general practice residency, an advanced education in general dentistry program, or a training program in a specialty recognized by the American Dental Association.

(B) A copy of a pending contract to practice dentistry full time for two years in a primary care clinic licensed under subdivision (a) of Section 1204 of the Health and Safety Code or in a primary care clinic exempt from licensure pursuant to subdivision (c) of Section 1206 of the Health and Safety Code, or in a clinic owned or operated by a public hospital or health system, or a clinic owned and operated by a hospital that maintains the primary contract with a county government to fill the county's role under Section 17000 of the Welfare and Institutions Code. The board may periodically request verification of compliance with these requirements, and may revoke the license upon a finding that the employment requirement, or any other requirement of this

1 subparagraph, has not been met. The board may, by regulation,
2 define “full time” for the purposes of this paragraph.

3 (C) A copy of a pending contract to teach or practice dentistry
4 full time for two years in an accredited dental education program
5 as approved by the Dental Board of California. The board may
6 periodically request verification of compliance with these
7 requirements, and may revoke the license upon a finding that the
8 employment requirement, or any other requirement of this
9 subparagraph, has not been met.

10 (4) Proof that the applicant has not been subject to disciplinary
11 action by any state in which he or she is or has been previously
12 licensed to practice dentistry. If the applicant has been subject to
13 disciplinary action, the board shall review that action to
14 determine if it presents sufficient evidence of a violation of
15 Article 4 (commencing with Section 1670) to warrant the
16 submission of additional information from the applicant or the
17 denial of the application for licensure.

18 (5) A signed release allowing the disclosure of information
19 from the National Practitioner Data Bank and the verification of
20 registration status with the federal Drug Enforcement
21 Administration. The board shall review this information to
22 determine if it presents sufficient evidence of a violation of
23 Article 4 (commencing with Section 1670) to warrant the
24 submission of additional information from the applicant or the
25 denial of the application for licensure.

26 (6) Proof that the applicant has not failed the examination for
27 licensure to practice dentistry under this chapter within five years
28 prior to the date of his or her application for a license under this
29 section.

30 (7) An acknowledgment by the applicant executed under
31 penalty of perjury and automatic forfeiture of license, of the
32 following:

33 (A) That the information provided by the applicant to the
34 board is true and correct, to the best of his or her knowledge and
35 belief.

36 (B) That the applicant has not been convicted of an offense
37 involving conduct that would violate Section 810.

38 (8) Documentation of 50 units of continuing education
39 completed within two years of the date of his or her application
40 under this section. The continuing education shall include the

1 mandatory coursework prescribed by the board pursuant to
2 subdivision (b) of Section 1645.

3 (9) Any other information as specified by the board to the
4 extent it is required of applicants for licensure by examination
5 under this article.

6 (b) The board shall provide in the application packet to each
7 out-of-state dentist pursuant to this section the following
8 information:

9 (1) The location of dental manpower shortage areas that exist
10 in the state.

11 (2) Those not-for-profit clinics and public hospitals seeking to
12 contract with licensees for dental services.

13 (c) (1) The board shall review the impact of this section on
14 the availability of dentists in California and report to the
15 appropriate policy and fiscal committees of the Legislature by
16 January 1, 2008. The report shall include a separate section
17 providing data specific to those dentists who intend to fulfill the
18 alternative clinical practice requirements of subparagraph (B) of
19 paragraph (3) of subdivision (a). The report shall include, but not
20 be limited to, all of the following:

21 (A) The total number of applicants from other states who have
22 sought licensure.

23 (B) The number of dentists from other states licensed pursuant
24 to this section, as well as the number of licenses not granted and
25 the reasons why each license was not granted.

26 (C) The location of the practice of dentists licensed pursuant to
27 this section.

28 (D) The number of dentists licensed pursuant to this section
29 who establish a practice in a rural area or in an area designated as
30 having a shortage of practicing dentists or no dentists at all.

31 (E) The length of time dentists licensed pursuant to this
32 section maintained their practice in the reported location. This
33 information shall be reported separately for dentists described in
34 subparagraphs (C) and (D).

35 (2) In identifying a dentist's location of practice, the board
36 shall use medical service study areas or other appropriate
37 geographic descriptions for regions of the state.

38 (3) If appropriate, the board may report the information
39 required by paragraph (1) separately for primary care dentists and
40 specialists.

1 (d) The board is authorized to contract with a third party or
2 parties to review applications filed under this section and to
3 advise the board as to whether the applications are complete. The
4 contracting party, its agents, and its employees shall agree to be
5 bound by all provisions of law applicable to the board, its
6 members, and staff, governing custody and confidentiality of
7 materials submitted by applicants for licensure.

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